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January 29, 2021

BY ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: **King v. Fedcap Rehabilitation Services, Inc., et al., 20-Civ-1784 (VSB) (DF)**
Status Report and Request To Further Extend Time to Answer, Move, or
Otherwise Respond to First Amended Class and Collective Action Complaint

Dear Judge Broderick:

We represent Defendants Fedcap Rehabilitation Services, Inc. and Wildcat Service Corporation (together, “Defendants”) in the above-identified matter and we write jointly with counsel for Plaintiff Harold King (“Plaintiff”) to provide a status update on the parties’ progress in settlement discussions since the telephone conference held on January 7, 2021, as directed in Your Honor’s Order. (ECF 21).

As noted in the parties’ prior joint letter (ECF 19), Defendants made a counter offer to Plaintiff’s initial settlement demand on December 18, 2020. Although we followed up several times over the last month with Plaintiff’s counsel regarding their attempts to confer with Plaintiff regarding a potential response to Defendants’ offer, such attempts were unsuccessful until January 27, 2021. The parties conferred on January 28, 2021 and are very close to reaching agreement for a settlement.

The parties understand from Your Honor’s January 7, 2021 Order (ECF 21), that absent settlement this case will be referred to Magistrate Judge Stewart D. Aaron for settlement purposes. The parties believe, however, that they will be able to conclude a settlement agreement and request that the Court grant a brief extension—three weeks, *i.e.*, to February 19, 2021—to do so and provide another update to the Court.

Relatedly, as a settlement and dismissal of the action appears to be imminent, the parties request that Court adjourn the deadline for Defendants to answer, move, or otherwise respond to the Complaint *sine die*, to avoid the preparation and filing of pleadings, or, more likely, a motion by Defendants to

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dismiss pursuant to Fed. R. Civ. P. 12(b)(6), all of which would distract and detract from settlement discussions. Your Honor generously granted the prior four extension requests, and the contemplated extension would not affect any other scheduled deadlines.

Thank you for Your Honor's consideration of this request.

Respectfully,

/s/ Adriana S. Kosovych

Adriana S. Kosovych

cc: Jeffrey H. Ruzal
Anne Seelig